

Amendments to the Claims:

This listing will replace all prior versions, and listing, of claims in the application:

Listing of Claims:

1. (previously presented): An unprinted inkjet recording element comprising a support having thereon at least two ink receiving layers, wherein the topmost layer of said inkjet recording element, having a thickness of from about 1 to about 10 micrometer, comprises a hydrophilic polymeric binder and porous crosslinked polyester-containing particles, wherein at least 68% of said porous crosslinked polyester-containing particles have a diameter of less than 0.5 micrometers;

wherein the crosslinked porous polyester-containing particles are prepared by crosslinking unsaturated precursor polyester within an oil-in-water emulsion in the presence of a water-immiscible organic solvent, wherein the water-immiscible organic solvent is removed to yield a dispersion of porous crosslinked polyester-containing particles.

2 (currently amended) The inkjet recording element of claim 1 wherein said porous crosslinked polyester-containing particles are present in at least one layer below the topmost layer of said inkjet recording element.

3-5 (canceled):

6 (previously presented): The inkjet recording element of claim 1 wherein said inkjet recording element further comprises at least one layer below said topmost layer, said layer comprising organic or inorganic particles.

7 (original): The inkjet recording element of claims 6 wherein said inorganic particles comprise silica, alumina, calcium carbonate, clay, or barium sulfate.

8 (original): The inkjet recording element of claims 6 wherein said organic particles comprise styrene-butadiene latex, polyurethane latex, or an acrylic latex.

9 (previously presented): The inkjet recording element of claim 1 wherein said inkjet recording element comprises at least one layer below said topmost layer comprising a swellable polymer.

10 (canceled):

11 (original): The inkjet recording element of claims 9 wherein said swellable polymer comprises at least one member selected from the group consisting of gelatin, poly(vinyl alcohol), and a sulfonated polyester.

12 (previously presented): The inkjet recording element of claim 2 wherein said porous crosslinked polyester-containing particles in the at least one layer below the topmost layer comprise particles having a mean diameter of greater than 0.5 micrometers.

13 (currently amended): The inkjet recording element of claim 2 wherein said porous crosslinked polyester-containing particles in the at least one layer below the topmost layer comprise particles having a mean particle diameter of between 1 and 3 micrometers.

14 (currently amended): The inkjet recording element of claim 2 wherein said porous crosslinked polyester-containing particles in the at least one layer below the topmost layer comprise particles having a mean particle diameter of between 1 and 10 micrometers.

15 (canceled):

16 (canceled):

17 (canceled):

18 (previously presented): The inkjet recording element of claim 1 wherein said inkjet recording element has a surface gloss of greater than or equal to 10 at a measurement angle of 60 degrees.

19-24 (canceled):

25 (currently amended): The inkjet recording element of claim 24_1 wherein said hydrophilic polymeric binder ~~polymer~~ is selected from at least one member of the group consisting of poly(vinyl alcohol), gelatin, sulfonated polyester, and water dispersible polyurethane.

26 to 28. (canceled)

29 (previously presented): The inkjet recording element of claim 1 wherein said crosslinked porous polyester-containing particles comprise precursor polyester comprising at least one member the group consisting of maleic, fumaric, itaconic, phenylenediacrylic, citraconic and mesaconic acid.

30 (original): The inkjet recording element of claim 29 wherein said precursor polyester further comprises sulfonated monomer.

31 (original): The inkjet recording element of claim 29 wherein said precursor polyester has an acid number of at least 10.

32 (original): The inkjet recording element of claim 29 wherein said precursor polyester has a molecular weight of 1,000 to 30,000.

33 (previously presented): The inkjet recording element of claim 1 wherein said crosslinked porous polyester-containing particles have an ionic group equivalent weight of between 40 and 2000 grams per mole of ionic unit.

34 (original): The inkjet recording element of claim 33 wherein said ionic group comprises sulfonate functionality.

35 (canceled):

36 (currently amended): The inkjet recording element of claim ~~35~~ 1 wherein said crosslinked porous polyester-containing particles comprise between 50 and 95% by weight of said at least one layer of said at least two ink receiving layers.

37 (currently amended): The inkjet recording element of claim ~~35~~ 36 wherein said particles comprise between 75 and 90% by weight of said at least one layer of said at least two ink receiving layers.

38 (canceled):

39 (canceled):

40 (previously presented): The inkjet recording element of claim 29 wherein said crosslinked porous polyester-containing particles further comprise the copolymerization product of at least one ethylenically unsaturated monomer selected from the group consisting of styrene, divinylbenzene, divinyl adipate, or cyclohexanedimethanol divinyl ether.

41 (canceled):

42 (original): The inkjet recording element of claim 1 having a thickness of between 10 and 50 micrometers.

43 (canceled):

~~44-45~~ (canceled):

46 (previously presented): An unprinted inkjet recording element comprising a support having thereon at least two ink receiving layers, wherein the topmost layer of said inkjet recording element, having a thickness of from about 1 to about 10 micrometer, comprises a hydrophilic polymeric binder and porous crosslinked polyester-containing particles, wherein at least 68% of said porous crosslinked polyester-containing particles have a diameter of less than 0.5 micrometers and wherein said crosslinked porous polyester-containing particles have an ionic group equivalent weight of between 40 and 2000 grams per mole of ionic unit;

wherein porous polyester particles having a mean diameter of greater than 0.5 micrometers are present in at least one layer below the topmost layer of said inkjet recording element;

wherein said crosslinked porous polyester-containing particles in both the topmost layer and in the at least one layer below the topmost layer comprise between 50 and 95% by weight of the respective layer; and

wherein the crosslinked porous polyester-containing particles in both the topmost layer and in the at least one layer below the topmost layer are prepared by crosslinking unsaturated precursor polyester within an oil-in-water emulsion in the presence of a water-immiscible organic solvent, wherein the water-immiscible organic solvent is removed to yield a dispersion of porous crosslinked polyester-containing particles.